

House File 2502

H-8505

1 Amend the amendment, H-8481, to House File 2502 as follows:

2 1. By striking page 1, line 1, through page 13, line 26, and
3 inserting:

4 <Amend House File 2502 as follows:

5 1. By striking everything after the enacting clause and
6 inserting:

7 <DIVISION I

8 STANDING APPROPRIATIONS AND RELATED MATTERS

9 Section 1. 2017 Iowa Acts, chapter 170, is amended by adding
10 the following new section:

11 NEW SECTION. SEC. 5A. GENERAL ASSEMBLY — FY 2018-2019.

12 1. The appropriations made pursuant to section 2.12 for the
13 expenses of the general assembly and legislative agencies for
14 the fiscal year beginning July 1, 2018, and ending June 30,
15 2019, are reduced by the following amount:

16 \$ 1,417,318

17 2. The budgeted amounts for the general assembly and
18 legislative agencies for the fiscal year beginning July 1,
19 2018, may be adjusted to reflect the unexpended budgeted
20 amounts from the previous fiscal year.

21 3. Annual membership dues for organizations, associations,
22 and conferences shall not be paid from moneys appropriated
23 pursuant to section 2.12, except reimbursement for travel
24 expenses may be paid to commissioners serving on the commission
25 of uniform state laws.

26 4. Costs for out-of-state travel and per diems for
27 out-of-state travel shall not be paid from moneys appropriated
28 pursuant to section 2.12.

29 Sec. 2. 2017 Iowa Acts, chapter 170, is amended by adding
30 the following new section:

31 NEW SECTION. SEC. 6A. INSTRUCTIONAL SUPPORT STATE AID — FY
32 2018-2019. In lieu of the appropriation provided in section
33 257.20, subsection 2, the appropriation for the fiscal year
34 beginning July 1, 2018, and ending June 30, 2019, for paying
35 instructional support state aid under section 257.20 for such

1 fiscal years is zero.

2 Sec. 3. Section 257.35, Code 2018, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 12A. Notwithstanding subsection 1, and in
5 addition to the reduction applicable pursuant to subsection
6 2, the state aid for area education agencies and the portion
7 of the combined district cost calculated for these agencies
8 for the fiscal year beginning July 1, 2018, and ending June
9 30, 2019, shall be reduced by the department of management by
10 fifteen million dollars. The reduction for each area education
11 agency shall be prorated based on the reduction that the agency
12 received in the fiscal year beginning July 1, 2003.

13 Sec. 4. SALARY MODEL ADMINISTRATOR. The salary model
14 administrator shall work in conjunction with the legislative
15 services agency to maintain the state's salary model used for
16 analyzing, comparing, and projecting state employee salary
17 and benefit information, including information relating to
18 employees of the state board of regents. The department of
19 revenue, the department of administrative services, the five
20 institutions under the jurisdiction of the state board of
21 regents, the judicial district departments of correctional
22 services, and the state department of transportation shall
23 provide salary data to the department of management and the
24 legislative services agency to operate the state's salary
25 model. The format and frequency of provision of the salary
26 data shall be determined by the department of management and
27 the legislative services agency. The information shall be
28 used in collective bargaining processes under chapter 20 and
29 in calculating the funding needs contained within the annual
30 salary adjustment legislation. A state employee organization
31 as defined in section 20.3, subsection 4, may request
32 information produced by the model, but the information provided
33 shall not contain information attributable to individual
34 employees.

35 DIVISION II

1 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

2 Sec. 5. Section 331.424A, subsection 9, Code 2018, as
3 amended by 2018 Iowa Acts, House File 2456, section 14, is
4 amended to read as follows:

5 a. For the fiscal year beginning July 1, 2017, and each
6 subsequent fiscal year, the county budgeted amount determined
7 for each county shall be the amount necessary to meet the
8 county's financial obligations for the payment of services
9 provided under the regional service system management plan
10 approved pursuant to [section 331.393](#), not to exceed an amount
11 equal to the product of the regional per capita expenditure
12 target amount multiplied by the county's population, and, for
13 fiscal years beginning on or after July 1, 2021, reduced by
14 the amount of the county's cash flow reduction amount for the
15 fiscal year calculated under subsection 4, if applicable.

16 b. If a county officially joins a different region, the
17 county's budgeted amount shall be the amount necessary to meet
18 the county's financial obligations for payment of services
19 provided under the new region's regional service system
20 management plan approved pursuant to [section 331.393](#), not to
21 exceed an amount equal to the product of the new region's
22 regional per capita expenditure target amount multiplied by
23 the county's population, and, for fiscal years beginning on
24 or after July 1, 2021, reduced by the amount of the county's
25 cash flow reduction amount for the fiscal year calculated under
26 subsection 4, if applicable.

27 Sec. 6. 2017 Iowa Acts, chapter 170, section 13, is amended
28 to read as follows:

29 SEC. 13. TRANSFER FROM CASH RESERVE FUND. Notwithstanding
30 [section 8.56](#), subsection 3 and subsection 4, paragraph "a" and
31 [section 8.57](#), subsection 1, paragraph "a", there is transferred
32 from the cash reserve fund created in [section 8.56](#) to the
33 general fund of the state for the fiscal year beginning July 1,
34 2016, and ending June 30, 2017, the following amount:
35 \$131,100,000

1 Sec. 7. 2018 Iowa Acts, House File 2441, section 17,
2 subsection 1, is amended by striking the subsection.

3 Sec. 8. 2018 Iowa Acts, Senate File 2117, section 11,
4 subsection 1, is amended to read as follows:

5 1. There is appropriated from the Iowa economic emergency
6 fund created in section 8.55 to the general fund of the state
7 for the fiscal year beginning July 1, ~~2017~~ 2016, and ending
8 June 30, ~~2018~~ 2017, the following amount:
9 \$ 13,000,000

10 Sec. 9. 2018 Iowa Acts, Senate File 2117, section 12, is
11 amended to read as follows:

12 SEC. 12. RETROACTIVE APPLICABILITY. The following
13 provision or provisions of this division of this Act apply
14 retroactively to ~~September 28, 2017~~ June 30, 2017:

15 The section of this division of this Act appropriating
16 moneys from the Iowa economic emergency fund to the general
17 fund in lieu of a prior standing appropriation.

18 Sec. 10. RETROACTIVE APPLICABILITY. The following applies
19 retroactively to May 12, 2017:

20 The section of this division of this Act amending 2017 Iowa
21 Acts, chapter 170, section 13.

22 Sec. 11. RETROACTIVE APPLICABILITY. The following applies
23 retroactively to the effective date of section 256.9A, as
24 enacted by 2018 Iowa Acts, House File 2441, section 1:

25 The section of this division of this Act amending 2018 Iowa
26 Acts, House File 2441, section 17, subsection 1.

27 Sec. 12. EFFECTIVE DATE. This division of this Act, being
28 deemed of immediate importance, takes effect upon enactment.

29 DIVISION III

30 CORRECTIVE PROVISIONS

31 Sec. 13. Section 9A.102, subsection 1, Code 2017, as amended
32 by 2018 Iowa Acts, Senate File 385, section 2, is amended to
33 read as follows:

34 1. "*Agency contract*" means an agreement in which a student
35 athlete authorizes a person to negotiate or solicit on behalf

1 of the athlete a professional sports services contract or an
2 endorsement contract.

3 Sec. 14. Section 68B.2C, as enacted by 2018 Iowa Acts,
4 Senate File 2323, section 7, is amended to read as follows:

5 **68B.2C Prohibited outside employment and activities — agents**
6 **of foreign principals.**

7 Officials and state employees shall not engage in any
8 outside employment or activity that requires the person to
9 register under the federal Foreign Agents Registration Act of
10 1938, as amended, 22 U.S.C. §611 et seq., ~~as amended.~~

11 Sec. 15. Section 84A.4, subsection 4, paragraph f, Code
12 2018, if enacted by 2018 Iowa Acts, Senate File 2353, section
13 6, is amended to read as follows:

14 *f. Proven and promising practices.* The local workforce
15 development board shall lead efforts in the local workforce
16 development area to ~~do all of the following:~~

17 ~~{1}—Identify~~ identify and promote proven and promising
18 strategies and initiatives for meeting the needs of employers,
19 workers, and jobseekers, including individuals with a barrier
20 to employment, in the local workforce development system,
21 including providing physical and programmatic accessibility,
22 in accordance with 29 U.S.C. §3248, if applicable, applicable
23 provisions of chapter 216, and applicable provisions of the
24 Americans with Disabilities Act of 1990, codified at 42 U.S.C.
25 §12101 et seq., to the one-stop delivery system.

26 Sec. 16. Section 123.92, subsection 3, paragraph a, Code
27 2018, as amended by 2018 Iowa Acts, Senate File 2310, section
28 47, is amended to read as follows:

29 *a.* Notwithstanding [section 123.49, subsection 1](#), any
30 person who is injured in person or property or means of
31 support by an intoxicated person who is under legal age or
32 resulting from the intoxication of a person who is under
33 legal age, has a right of action for all damages actually
34 sustained, severally or jointly, against a person who is
35 not a licensee or permittee and who dispensed or gave any

1 alcoholic beverage to the intoxicated underage person when the
2 nonlicensee or nonpermittee who dispensed or gave the alcoholic
3 beverage to the underage person knew or should have known the
4 underage person was intoxicated, or who dispensed or gave any
5 alcoholic beverage to the underage person to a point where the
6 nonlicensee or nonpermittee knew or should have known that the
7 underage person would become intoxicated.

8 Sec. 17. Section 135.16A, subsection 1, paragraph a, as
9 enacted by 2018 Iowa Acts, House File 2408, section 1, is
10 amended to read as follows:

11 a. "*Conventional eggs*" means eggs ~~others~~ other than
12 specialty eggs.

13 Sec. 18. Section 147C.1, subsection 7, paragraph e,
14 subparagraph (2), subparagraph division (h), as enacted by 2018
15 Iowa Acts, House File 2425, section 1, is amended to read as
16 follows:

17 (h) Disclosure of investigative records compiled for law
18 enforcement purposes ~~of any of the following~~.

19 Sec. 19. Section 148H.1, subsection 4, as enacted by 2018
20 Iowa Acts, Senate File 2228, section 5, is amended to read as
21 follows:

22 4. "*Genetic counseling intern*" means a student enrolled in
23 a genetic counseling program accredited by the accreditation
24 council for genetic counseling or its equivalent or successor
25 organization, or the American board of medical genetics and
26 genomics or its equivalent or successor organization.

27 Sec. 20. Section 256.7, subsection 21, paragraph b,
28 subparagraph (2), subparagraph division (d), as enacted by 2018
29 Iowa Acts, House File 2235, section 1, is amended to read as
30 follows:

31 (d) That the assessment be peer-reviewed by an independent,
32 third-party evaluator to determine that the assessment is
33 aligned with the Iowa core academic standards, provides
34 a measurement of student growth and student proficiency,
35 and meets the summative assessment requirements of the

1 federal Every Student Succeeds Act, Pub. L. No. 114-95. The
2 assessment developed by the Iowa testing service program
3 within the university of Iowa college of education shall ~~make~~
4 ~~any necessary adjustments as determined by the peer review~~
5 be adjusted as necessary to meet the requirements of this
6 subparagraph (2) as determined by the peer review.

7 Sec. 21. Section 256.42, subsection 5, Code 2018, as amended
8 by 2018 Iowa Acts, Senate File 2131, section 1, is amended to
9 read as follows:

10 5. Under the initiative, a student must be enrolled in
11 a participating school district or accredited nonpublic
12 school or be receiving private instruction under chapter 299A
13 as described in subsection 1. For a student enrolled in a
14 participating school district or accredited nonpublic school,
15 the school district or school is responsible for recording
16 grades received for initiative coursework in a student's
17 permanent record, awarding high school credit for initiative
18 coursework, and issuing a high school diploma ~~diplomas~~ diploma to a
19 student enrolled in the district or school who participates and
20 completes coursework under the initiative. Each participating
21 school shall identify a site coordinator to serve as a student
22 advocate and as a liaison between the initiative staff and
23 teachers and the school district or accredited nonpublic
24 school. The individual providing instruction to a student
25 under chapter 299A as described in subsection 1 shall receive
26 the student's score for completed initiative coursework.

27 Sec. 22. Section 261.131, subsection 1, paragraph d, Code
28 2018, as enacted by 2018 Iowa Acts, House File 2458, section
29 12, is amended to read as follows:

30 *d. "Eligible program"* means a program of study or an
31 academic major jointly approved by the commission and the
32 department of workforce development, in consultation with an
33 eligible institution, that leads to a credential aligned with a
34 high-demand job designated by the workforce development board
35 or a community college pursuant to section 84A.1B, subsection

1 13A. If the board or a community college removes a high-demand
2 job from a list created under section 84A.1B, subsection 13A,
3 an eligible student who received a scholarship for a program
4 based on that high-demand job shall continue to receive the
5 scholarship until achieving a postsecondary credential, up to
6 an associate degree, as long as the student continues to meet
7 all other eligibility requirements.

8 Sec. 23. Section 280.13C, subsection 4, paragraph a, Code
9 2018, as amended by 2018 Iowa Acts, House File 2442, section 1,
10 is amended to read as follows:

11 a. The department of public health, Iowa high school
12 athletic association, and the Iowa girls high school athletic
13 union shall work together to distribute the guidelines of the
14 centers for disease control and prevention guidelines of the
15 United States department of health and human services and other
16 pertinent information to inform and educate coaches, students,
17 and the parents and guardians of students of the risks, signs,
18 symptoms, and behaviors consistent with a concussion or brain
19 injury, including the danger of continuing to participate in
20 extracurricular interscholastic activities after suffering a
21 concussion or brain injury and their responsibility to report
22 such signs, symptoms, and behaviors if they occur.

23 Sec. 24. Section 280.13C, subsection 8, paragraph a, Code
24 2018, as amended by 2018 Iowa Acts, House File 2442, section 1,
25 is amended to read as follows:

26 a. A school district or accredited nonpublic school that
27 adopts and follows the protocol required by this section and
28 provides an emergency medical care provider or a licensed
29 health care provider at a contest that is a contact or limited
30 contact activity as identified by the American academy of
31 pediatrics shall not be liable for any claim for injuries or
32 damages based upon the actions or inactions of the emergency
33 medical care provider or the licensed health care provider
34 present at the contest at the request of the school district
35 or accredited nonpublic school so long as the emergency

1 medical care provider or the licensed health care provider
2 acts reasonably and in good faith and in the best interest of
3 the student athlete and without undue influence of the school
4 district or accredited nonpublic school or coaching staff
5 employed by the school district or accredited nonpublic school.
6 A school district or accredited nonpublic school shall not be
7 liable for any claim for injuries or damages if an emergency
8 medical care provider or a licensed health care provider who
9 was scheduled in accordance with a prearranged agreement with
10 the school district or accredited nonpublic school to be
11 present and available at a contest is not able to be present
12 and available due to documentable, unforeseen circumstances and
13 the school district or accredited nonpublic school otherwise
14 followed the protocol.

15 Sec. 25. Section 298.3, subsection 1, paragraph j, Code
16 2018, as amended by 2018 Iowa Acts, House File 2253, section 9,
17 is amended to read as follows:

18 *j.* The purchase of buildings or lease-purchase option
19 agreements for school buildings. However, a contract
20 for construction by a private party of property to be
21 lease-purchased by a public school corporation is a contract
22 for a public improvement as defined in section 26.2. If the
23 estimated cost of the property to be lease-purchased that is
24 renovated, repaired, or involves new construction ~~in excess~~
25 ~~of~~ exceeds the competitive bid threshold in section 26.3, the
26 board of directors shall comply with the competitive bidding
27 requirements of section 26.3.

28 Sec. 26. Section 321G.13, subsection 2, paragraph b,
29 subparagraph (2), Code 2018, as amended by 2018 Iowa Acts,
30 Senate File 2231, section 1, is amended to read as follows:

31 (2) A person may operate or ride ~~on~~ a snowmobile with a
32 loaded pistol or revolver, whether concealed or not, if ~~a~~ the
33 person is operating or riding the snowmobile on land that is
34 not owned, possessed, or rented by the person, and the person's
35 conduct is otherwise lawful.

1 Sec. 27. Section 321I.14, subsection 2, paragraph b,
2 subparagraph (2), Code 2018, as amended by 2018 Iowa Acts,
3 Senate File 2231, section 3, is amended to read as follows:

4 (2) A person may operate or ride ~~on all~~ an all-terrain
5 vehicle with a loaded pistol or revolver, whether concealed or
6 not, if a the person is operating or riding the all-terrain
7 vehicle on land that is not owned, possessed, or rented by the
8 person, and the person's conduct is otherwise lawful.

9 Sec. 28. Section 321I.14, subsection 6, as enacted by 2018
10 Iowa Acts, Senate File 2231, section 4, is amended to read as
11 follows:

12 6. As used in this section, *"rented by the person"* includes
13 a person who does not necessarily rent the land but who
14 principally provides labor for the production of crops located
15 on agricultural land or for the production of livestock
16 principally located on agricultural land. The person must
17 personally provide such labor on a regular, continuous, and
18 substantial basis.

19 Sec. 29. Section 364.4, subsection 4, paragraph i, Code
20 2018, as amended by 2018 Iowa Acts, House File 2253, section
21 11, is amended to read as follows:

22 *i.* A contract for construction by a private party of
23 property to be lease-purchased by a city is a contract for a
24 public improvement under [section 26.2, subsection 3](#). If the
25 estimated cost of the property to be lease-purchased that is
26 renovated, repaired, or involves new construction exceeds the
27 competitive bid threshold set in [section 26.3](#), the city shall
28 comply with the competitive bidding requirements of section
29 26.3.

30 Sec. 30. Section 633.42, subsection 1, Code 2018, as amended
31 by 2018 Iowa Acts, Senate File 2098, section 3, is amended to
32 read as follows:

33 1. At any time after the issuance of letters of appointment,
34 any interested person in the proceeding may file with the
35 clerk a written request for notice of the time and place of

1 all hearings in such proceeding for which notice is required
2 by law, by rule of court, or by an order in such proceeding.
3 The request for notice shall state the name of the requester,
4 the name of the requester's attorney, if any, and the reason
5 the requester is an interested person in the proceeding. The
6 request for notice shall provide the requester's post office
7 address, and, if available, the requester's electronic mail
8 address and telephone number. The request for notice shall
9 also provide the requester's attorney's post office address,
10 electronic mail address, and telephone number. The clerk shall
11 docket the request. Thereafter, unless otherwise ordered by
12 the court, the fiduciary shall serve by ordinary or electronic
13 mail a notice of each hearing upon such requester and the
14 requester's attorney, if any.

15 Sec. 31. Section 633.418, Code 2018, as amended by 2018
16 Iowa Acts, Senate File 2098, section 6, is amended to read as
17 follows:

18 **633.418 Form and verification of claims — general**
19 **requirements.**

20 No claim shall be allowed against an estate on application
21 of the claimant unless it shall be in writing, filed with
22 the clerk, stating the claimant's name, and address, and,
23 if available, telephone number and electronic mail address,
24 describing the nature and the amount thereof, if ascertainable,
25 and accompanied by the affidavit of the claimant, or someone
26 for the claimant, that the amount is justly due, or if not yet
27 due, when it will or may become due, that no payments have been
28 made thereon which are not credited, and that there are no
29 offsets to the same, to the knowledge of the affiant, except as
30 therein stated. If the claim is contingent, the nature of the
31 contingency shall also be stated.

32 Sec. 32. Section 651.29, subsection 5, paragraphs b and c,
33 as enacted by 2018 Iowa Acts, Senate File 2175, section 29, are
34 amended to read as follows:

35 *b.* If none of the cotenants ~~has~~ have paid the entire price

1 for the remaining interest in the heirs property, the court
2 shall resolve the partition action under section 651.30 as if
3 the interest of the cotenant that had requested partition by
4 sale of the heirs property has not been purchased.

5 c. If more than one cotenant ~~have~~ has paid the entire price
6 for the remaining interest in the heirs property, the court
7 shall reapportion the remaining interest among such cotenants
8 based on each cotenant's original fractional ownership of the
9 entire heirs property divided by the total original fractional
10 ownership of all cotenants that paid the entire price for
11 the remaining interest. The court shall promptly issue an
12 order reallocating all cotenants' interests, disburse the
13 amounts held by the court to the persons entitled to such
14 disbursements, and promptly refund any excess payments held by
15 the court to the appropriate persons.

16 Sec. 33. Section 655.6, subsection 1, as enacted by 2018
17 Iowa Acts, House File 2232, section 5, is amended to read as
18 follows:

19 1. The mortgagee established reasonable procedures to
20 achieve compliance with its obligations under section 655.3.

21 Sec. 34. Section 716.11, subsection 1, paragraph b, as
22 enacted by 2018 Iowa Acts, Senate File 2235, section 1, is
23 amended to read as follows:

24 b. A gas, oil, petroleum, refined petroleum product,
25 renewable fuel, or chemical critical generation, storage,
26 transportation, or delivery system.

27 Sec. 35. 2018 Iowa Acts, Senate File 2117, section 1,
28 paragraphs p and s, are amended to read as follows:

29 p. ~~Department of economic~~ Economic development authority
30 \$ 157,960

31 s. College student aid commission
32 \$ 94,172

33 Sec. 36. 2018 Iowa Acts, House File 2442, section 4, is
34 amended to read as follows:

35 SEC. 4. STATE MANDATE FUNDING SPECIFIED. In accordance

1 with section 25B.2, subsection 3, the state cost of requiring
2 compliance with any state mandate included in ~~this division~~
3 of this Act shall be paid by a school district from state
4 school foundation aid received by the school district under
5 section 257.16. This specification of the payment of the state
6 cost shall be deemed to meet all of the state funding-related
7 requirements of section 25B.2, subsection 3, and no additional
8 state funding shall be necessary for the full implementation of
9 this Act by and enforcement of this Act against all affected
10 school districts.

11 Sec. 37. REPEAL. 2018 Iowa Acts, House File 2348, section
12 9, is repealed.

13 Sec. 38. REPEAL. 2018 Iowa Acts, House File 2457, sections
14 115 and 116 are repealed.

15 Sec. 39. EFFECTIVE DATE. The following, being deemed of
16 immediate importance, takes effect upon enactment:

17 The section of this division of this Act amending 2018 Iowa
18 Acts, Senate File 2117, section 1, paragraphs "p" and "s".

19 Sec. 40. RETROACTIVE APPLICABILITY. The following applies
20 retroactively to March 28, 2018:

21 The section of this division of this Act amending 2018 Iowa
22 Acts, Senate File 2117, section 1, paragraphs "p" and "s".

23 Sec. 41. APPLICABILITY. The following apply July 1, 2018,
24 to probate filings made on or after that date:

25 1. The section of this division of this Act amending section
26 633.42.

27 2. The section of this division of this Act amending section
28 633.418.

29 DIVISION IV

30 SEXUAL HARASSMENT

31 Sec. 42. NEW SECTION. **68A.702 Sexual harassment — payment**
32 **of claims.**

33 1. Any judgment awarded to a victim as a result of sexual
34 harassment, or any payment made to a victim as settlement of a
35 claim of sexual harassment, by a statewide elected official or

1 member of the general assembly, or the partisan staff of such a
2 person, that occurs while such a person is engaged in conduct
3 for which that person was elected or hired or during a time
4 for which that person receives payment from the state of Iowa,
5 shall be paid out of the campaign account of such a person or by
6 the state party of such a person.

7 2. Any judgment awarded to a victim as a result of sexual
8 harassment, or any payment made to a victim as settlement of
9 a claim of sexual harassment, by a person appointed by the
10 governor, or the partisan staff of such a person, that occurs
11 while such a person is engaged in conduct for which that person
12 was appointed or hired or during a time for which that person
13 receives payment from the state of Iowa, shall be paid out of
14 the campaign account of the governor or by the state party of
15 the governor.

16 3. The state of Iowa shall seek reimbursement for any
17 payments made by the state of Iowa inconsistent with this
18 section, including those made before the effective date of this
19 Act.

20 Sec. 43. RETROACTIVE APPLICABILITY. This division of
21 this Act applies retroactively to all judgments awarded
22 to or settlements paid to a victim as a result of sexual
23 harassment by a statewide elected official or member of the
24 general assembly, or the partisan staff of such a person, or a
25 gubernatorial appointee or the partisan staff of such a person.

26 DIVISION V

27 HEALTH BENEFIT PLANS SPONSORED BY CERTAIN AGRICULTURAL 28 ORGANIZATIONS

29 Sec. 44. Section 505.20, as enacted by 2018 Iowa Acts,
30 Senate File 2349, section 1, is amended by adding the following
31 new subsection:

32 NEW SUBSECTION. 4. A health benefit plan sponsored by
33 a nonprofit agricultural organization for the nonprofit
34 agricultural organization's members pursuant to this chapter
35 shall not deny, exclude, or limit benefits for a member based

1 on a member's preexisting condition.

2 DIVISION VI

3 ASSOCIATION HEALTH PLANS

4 Sec. 45. Section 513D.1, as enacted by 2018 Iowa Acts,
5 Senate File 2349, section 5, is amended to read as follows:

6 **513D.1 Association health plans.**

7 The commissioner shall adopt rules that allow for the
8 creation of association health plans that are consistent with
9 the United States department of labor's regulations in 29
10 C.F.R. pt. 2510. An association health plan created pursuant
11 to this chapter shall not deny, exclude, or limit benefits for
12 a member based on a member's preexisting condition.

13 DIVISION VII

14 MEDICAL CANNABIS

15 Sec. 46. Section 124.204, subsection 4, paragraphs m and u,
16 Code 2018, are amended by striking the paragraphs.

17 Sec. 47. Section 124.204, subsection 7, Code 2018, is
18 amended by striking the subsection.

19 Sec. 48. Section 124.206, subsection 7, Code 2018, is
20 amended to read as follows:

21 *7. Hallucinogenic substances.* Unless specifically excepted
22 or unless listed in another schedule, any material, compound,
23 mixture, or preparation which contains any quantity of the
24 following substances, or, for purposes of paragraphs "a" and
25 "b", which contains any of its salts, isomers, or salts of
26 isomers whenever the existence of such salts, isomers, or salts
27 of isomers is possible within the specific chemical designation
28 (for purposes of this paragraph only, the term "isomer"
29 includes the optical, positional, and geometric isomers):

30 *a.* ~~Marijuana when used for medicinal purposes pursuant to~~
31 ~~rules of the board.~~

32 *b.* Tetrahydrocannabinols, meaning tetrahydrocannabinols
33 naturally contained in a plant of the genus cannabis (cannabis
34 plant) as well as synthetic equivalents of the substances
35 contained in the cannabis plant, or in the resinous extractives

1 of such plant, and synthetic substances, derivatives, and their
2 isomers with similar chemical structure and pharmacological
3 activity to those substances contained in the plant, such as
4 the following:

5 (1) 1 cis or trans tetrahydrocannabinol, and their optical
6 isomers.

7 (2) 6 cis or trans tetrahydrocannabinol, and their optical
8 isomers.

9 (3) 3,4 cis or trans tetrahydrocannabinol, and their
10 optical isomers. (Since nomenclature of these substances
11 is not internationally standardized, compounds of these
12 structures, regardless of numerical designation of atomic
13 positions covered.)

14 ~~b.~~ c. Nabilone [another name for nabilone: (+-) -
15 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-
16 hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

17 Sec. 49. Section 124.401, subsection 5, unnumbered
18 paragraph 3, Code 2018, is amended to read as follows:

19 A person may knowingly or intentionally recommend, possess,
20 use, dispense, deliver, transport, or administer ~~cannabidiol~~
21 medical cannabis if the recommendation, possession, use,
22 dispensing, delivery, transporting, or administering is in
23 accordance with the provisions of ~~chapter 124D~~ 124E. For
24 purposes of this paragraph, "~~cannabidiol~~" "medical cannabis"
25 means the same as defined in ~~section 124D.2~~ 124E.2.

26 Sec. 50. NEW SECTION. 124E.1 Short title.

27 This chapter shall be known and may be cited as the
28 "*Compassionate Use of Medical Cannabis Act*".

29 Sec. 51. NEW SECTION. 124E.2 Definitions.

30 As used in this chapter:

31 1. "*Debilitating medical condition*" means any of the
32 following:

33 a. Cancer, if the underlying condition or treatment produces
34 one or more of the following:

35 (1) Intractable pain.

1 (2) Nausea or severe vomiting.
2 (3) Cachexia or severe wasting.
3 *b.* Multiple sclerosis.
4 *c.* Epilepsy or seizure disorders.
5 *d.* AIDS or HIV as defined in section 141A.1.
6 *e.* Glaucoma.
7 *f.* Hepatitis C.
8 *g.* Crohn's disease or ulcerative colitis.
9 *h.* Amyotrophic lateral sclerosis.
10 *i.* Ehlers-Danlos syndrome.
11 *j.* Post-traumatic stress disorder.
12 *k.* Tourette's syndrome.
13 1. Any terminal illness, with a probable life expectancy of
14 under one year, if the illness or its treatment produces one or
15 more of the following:
16 (1) Intractable pain.
17 (2) Nausea or severe vomiting.
18 (3) Cachexia or severe wasting.
19 *m.* Intractable pain.
20 *n.* Parkinson's disease.
21 *o.* Muscular dystrophy.
22 *p.* Huntington's disease.
23 *q.* Alzheimer's disease.
24 *r.* Complex regional pain syndrome, type I and II.
25 *s.* Rheumatoid arthritis.
26 *t.* Polyarteritis nodosa.
27 *u.* Any other chronic or debilitating disease or medical
28 condition or its medical treatment approved by the department
29 pursuant to rule.
30 2. "Department" means the department of public health.
31 3. "Disqualifying felony offense" means a violation under
32 federal or state law of a felony offense, which has as an
33 element the possession, use, or distribution of a controlled
34 substance, as defined in 21 U.S.C. §802(6).
35 4. "Enclosed, locked facility" means a closet, room,

1 greenhouse, or other enclosed area equipped with locks or
2 other security devices that permit access only by authorized
3 personnel.

4 5. "*Health care practitioner*" means an individual licensed
5 under chapter 148 to practice medicine and surgery or
6 osteopathic medicine and surgery or an individual licensed to
7 practice medicine in any other state who provides specialty
8 care for an Iowa resident for one or more of the debilitating
9 medical conditions provided in this chapter.

10 6. "*Intractable pain*" means a pain in which the cause of the
11 pain cannot be removed or otherwise treated with the consent
12 of the patient and which, in the generally accepted course of
13 medical practice, no relief or cure of the cause of the pain
14 is possible, or none has been found after reasonable efforts.
15 Reasonable efforts for relieving or curing the cause of the
16 pain may be determined on the basis of but are not limited to
17 any of the following:

18 a. When treating a nonterminally ill patient for intractable
19 pain, evaluation by the attending physician and one or more
20 physicians specializing in pain medicine or the treatment of
21 the area, system, or organ of the body perceived as the source
22 of the pain.

23 b. When treating a terminally ill patient, evaluation by
24 the attending physician who does so in accordance with the
25 level of care, skill, and treatment that would be recognized
26 by a reasonably prudent physician under similar conditions and
27 circumstances.

28 7. "*Medical cannabis*" means any species of the genus
29 cannabis plant, or any mixture or preparation of them,
30 including whole plant extracts and resins.

31 8. "*Medical cannabis dispensary*" means an entity licensed
32 under section 124E.8 that acquires medical cannabis from a
33 medical cannabis manufacturer in this state for the purpose
34 of dispensing medical cannabis in this state pursuant to this
35 chapter.

1 9. *"Medical cannabis manufacturer"* means an entity licensed
2 under section 124E.6 to manufacture and to possess, cultivate,
3 transport, or supply medical cannabis pursuant to the
4 provisions of this chapter.

5 10. *"Primary caregiver"* means a person, at least eighteen
6 years of age, who has been designated by a patient's health
7 care practitioner or a person having custody of a patient, as
8 a necessary caretaker taking responsibility for managing the
9 well-being of the patient with respect to the use of medical
10 cannabis pursuant to the provisions of this chapter.

11 11. *"Written certification"* means a document signed by a
12 health care practitioner, with whom the patient has established
13 a patient-provider relationship, which states that the patient
14 has a debilitating medical condition and identifies that
15 condition and provides any other relevant information.

16 Sec. 52. NEW SECTION. 124E.3 **Health care practitioner**
17 **certification — duties.**

18 1. Prior to a patient's submission of an application for a
19 medical cannabis registration card pursuant to section 124E.4,
20 a health care practitioner shall do all of the following:

21 a. Determine, in the health care practitioner's medical
22 judgment, whether the patient whom the health care practitioner
23 has examined and treated suffers from a debilitating medical
24 condition that qualifies for the use of medical cannabis under
25 this chapter, and if so determined, provide the patient with a
26 written certification of that diagnosis.

27 b. Provide explanatory information as provided by the
28 department to the patient about the therapeutic use of medical
29 cannabis.

30 c. Determine, on an annual basis, if the patient continues
31 to suffer from a debilitating medical condition and, if so,
32 issue the patient a new certification of that diagnosis. This
33 paragraph shall not apply if the patient is suffering from an
34 incurable debilitating medical condition.

35 d. Otherwise comply with all requirements established by the

1 department pursuant to rule.

2 2. A health care practitioner may provide, but has no duty
3 to provide, a written certification pursuant to this section.

4 Sec. 53. NEW SECTION. 124E.4 Medical cannabis registration
5 card.

6 1. *Issuance to patient.* The department may approve the
7 issuance of a medical cannabis registration card by the
8 department of transportation to a patient who:

9 a. Is at least eighteen years of age.

10 b. Is a permanent resident of this state.

11 c. Submits a written certification to the department signed
12 by the patient's health care practitioner that the patient is
13 suffering from a debilitating medical condition.

14 d. Submits an application to the department, on a form
15 created by the department, in consultation with the department
16 of transportation, that contains all of the following:

17 (1) The patient's full name, Iowa residence address, date
18 of birth, and telephone number.

19 (2) A copy of the patient's valid photograph
20 identification.

21 (3) Full name, address, and telephone number of the
22 patient's health care practitioner.

23 (4) Full name, residence address, date of birth, and
24 telephone number of each primary caregiver of the patient, if
25 any.

26 (5) Any other information required by rule.

27 e. Submits a medical cannabis registration card fee of one
28 hundred dollars to the department. If the patient attests to
29 receiving social security disability benefits, supplemental
30 security insurance payments, or being enrolled in the medical
31 assistance program, the fee shall be twenty-five dollars.

32 2. *Patient card contents.* A medical cannabis registration
33 card issued to a patient by the department of transportation
34 pursuant to subsection 1 shall contain, at a minimum, all of
35 the following:

1 *a.* The patient's full name, Iowa residence address, and date
2 of birth.

3 *b.* The patient's photograph.

4 *c.* The date of issuance and expiration of the registration
5 card.

6 *d.* Any other information required by rule.

7 3. *Issuance to primary caregiver.* For a patient in a
8 primary caregiver's care, the department may approve the
9 issuance of a medical cannabis registration card by the
10 department of transportation to the primary caregiver who:

11 *a.* Submits a written certification to the department signed
12 by the patient's health care practitioner that the patient in
13 the primary caregiver's care is suffering from a debilitating
14 medical condition.

15 *b.* Submits an application to the department, on a form
16 created by the department, in consultation with the department
17 of transportation, that contains all of the following:

18 (1) The primary caregiver's full name, residence address,
19 date of birth, and telephone number.

20 (2) The patient's full name.

21 (3) A copy of the primary caregiver's valid photograph
22 identification.

23 (4) Full name, address, and telephone number of the
24 patient's health care practitioner.

25 (5) Any other information required by rule.

26 *c.* Submits a medical cannabis registration card fee of
27 twenty-five dollars to the department.

28 4. *Primary caregiver card contents.* A medical cannabis
29 registration card issued by the department of transportation to
30 a primary caregiver pursuant to subsection 3 shall contain, at
31 a minimum, all of the following:

32 *a.* The primary caregiver's full name, residence address, and
33 date of birth.

34 *b.* The primary caregiver's photograph.

35 *c.* The date of issuance and expiration of the registration

1 card.

2 *d.* The registration card number of each patient in the
3 primary caregiver's care. If the patient in the primary
4 caregiver's care is under the age of eighteen, the full name of
5 the patient's parent or legal guardian.

6 *e.* Any other information required by rule.

7 5. *Expiration date of card.* A medical cannabis registration
8 card issued pursuant to this section shall expire one year
9 after the date of issuance and may be renewed.

10 6. *Card issuance — department of transportation.*

11 *a.* The department may enter into a chapter 28E agreement
12 with the department of transportation to facilitate the
13 issuance of medical cannabis registration cards pursuant to
14 subsections 1 and 3.

15 *b.* The department of transportation may issue renewal
16 medical cannabis registration cards through an online or
17 in-person process.

18 Sec. 54. NEW SECTION. 124E.5 **Medical advisory board —**
19 **duties.**

20 1. No later than August 15, 2018, the director of public
21 health shall establish a medical advisory board consisting of
22 nine practitioners representing the fields of neurology, pain
23 management, gastroenterology, oncology, psychiatry, pediatrics,
24 infectious disease, family medicine, and pharmacy, and three
25 patients or primary caregivers with valid medical cannabis
26 registration cards. The practitioners shall be nationally
27 board-certified in their area of specialty and knowledgeable
28 about the use of medical cannabis.

29 2. A quorum of the advisory board shall consist of seven
30 members.

31 3. The duties of the advisory board shall include but not be
32 limited to the following:

33 *a.* Reviewing and recommending to the department for
34 approval additional chronic or debilitating diseases or
35 medical conditions or their treatments as debilitating medical

1 conditions that qualify for the use of medical cannabis under
2 this chapter.

3 *b.* Accepting and reviewing petitions to add chronic or
4 debilitating diseases or medical conditions or their medical
5 treatments to the list of debilitating medical conditions that
6 qualify for the use of medical cannabis under this chapter.

7 *c.* Working with the department regarding the requirements
8 for the licensure of medical cannabis manufacturers and medical
9 cannabis dispensaries, including licensure procedures.

10 *d.* Advising the department regarding the location of
11 medical cannabis dispensaries throughout the state, the form
12 and quantity of allowable medical cannabis to be dispensed
13 to a patient or primary caregiver, and the general oversight
14 of medical cannabis manufacturers and medical cannabis
15 dispensaries in this state.

16 *e.* Convening at least twice per year to conduct public
17 hearings and to review and recommend for approval petitions,
18 which shall be maintained as confidential personal health
19 information, to add chronic or debilitating diseases or
20 medical conditions or their medical treatments to the list of
21 debilitating medical conditions that qualify for the use of
22 medical cannabis under this chapter.

23 *f.* Recommending improvements relating to the effectiveness
24 of the provisions of this chapter.

25 *g.* In making recommendations pursuant to this section,
26 consideration of the economic and financial impacts on patients
27 and the medical cannabis industry, and making recommendations
28 that minimize the extent of such impacts to the greatest extent
29 practicable.

30 Sec. 55. NEW SECTION. **124E.6 Medical cannabis manufacturer**
31 **licensure.**

32 1. *a.* The department shall license up to four medical
33 cannabis manufacturers to manufacture medical cannabis within
34 this state consistent with the provisions of this chapter by
35 December 1, 2017. The department shall license new medical

1 cannabis manufacturers or relicense the existing medical
2 cannabis manufacturers by December 1 of each year.

3 *b.* Information submitted during the application process
4 shall be confidential until the medical cannabis manufacturer
5 is licensed by the department unless otherwise protected from
6 disclosure under state or federal law.

7 2. As a condition for licensure, a medical cannabis
8 manufacturer must agree to begin supplying medical cannabis to
9 medical cannabis dispensaries in this state by July 2, 2018.

10 3. The department shall consider the following factors in
11 determining whether to license a medical cannabis manufacturer:

12 *a.* The technical expertise of the medical cannabis
13 manufacturer regarding medical cannabis.

14 *b.* The qualifications of the medical cannabis manufacturer's
15 ownership and management team.

16 *c.* The long-term financial stability of the medical cannabis
17 manufacturer.

18 *d.* The ability to provide appropriate security measures on
19 the premises of the medical cannabis manufacturer.

20 *e.* Whether the medical cannabis manufacturer has
21 demonstrated an ability to meet certain medical cannabis
22 production needs for medical use regarding the range of
23 recommended dosages for each debilitating medical condition,
24 the range of chemical compositions of any plant of the genus
25 cannabis that will likely be medically beneficial for each
26 of the debilitating medical conditions, and the form of the
27 medical cannabis in the manner determined by the department
28 pursuant to rule.

29 *f.* The medical cannabis manufacturer's projection of and
30 ongoing assessment of fees on patients with debilitating
31 medical conditions.

32 *g.* The medical cannabis manufacturer's experience in medical
33 cannabis production, plant extraction, and pharmaceutical
34 formulations.

35 4. The department shall require each medical cannabis

1 manufacturer to contract with a laboratory approved by the
2 department to test the medical cannabis produced by the
3 manufacturer. The department shall require that the laboratory
4 report testing results to the manufacturer in a manner
5 determined by the department pursuant to rule.

6 5. Each entity submitting an application for licensure
7 as a medical cannabis manufacturer shall pay a nonrefundable
8 application fee of fifteen thousand dollars to the department.

9 Sec. 56. NEW SECTION. 124E.7 Medical cannabis
10 manufacturers.

11 1. A medical cannabis manufacturer shall contract with a
12 laboratory approved by the department for purposes of testing
13 the medical cannabis manufactured by the medical cannabis
14 manufacturer as to content, contamination, and consistency.
15 The cost of all laboratory testing shall be paid by the medical
16 cannabis manufacturer.

17 2. The operating documents of a medical cannabis
18 manufacturer shall include all of the following:

19 a. Procedures for the oversight of the medical cannabis
20 manufacturer and procedures to ensure accurate recordkeeping.

21 b. Procedures for the implementation of appropriate security
22 measures to deter and prevent the theft of medical cannabis and
23 unauthorized entrance into areas containing medical cannabis.

24 3. A medical cannabis manufacturer shall implement security
25 requirements, including requirements for protection of each
26 location by a fully operational security alarm system, facility
27 access controls, perimeter intrusion detection systems, and a
28 personnel identification system.

29 4. A medical cannabis manufacturer shall not share
30 office space with, refer patients to, or have any financial
31 relationship with a health care practitioner.

32 5. A medical cannabis manufacturer shall not permit any
33 person to consume medical cannabis on the property of the
34 medical cannabis manufacturer.

35 6. A medical cannabis manufacturer is subject to reasonable

1 inspection by the department.

2 7. A medical cannabis manufacturer shall not employ a
3 person who is under eighteen years of age or who has been
4 convicted of a disqualifying felony offense. An employee
5 of a medical cannabis manufacturer shall be subject to a
6 background investigation conducted by the division of criminal
7 investigation of the department of public safety and a national
8 criminal history background check.

9 8. A medical cannabis manufacturer shall not operate in any
10 location, whether for manufacturing, cultivating, harvesting,
11 packaging, or processing, within one thousand feet of a public
12 or private school existing before the date of the medical
13 cannabis manufacturer's licensure by the department.

14 9. A medical cannabis manufacturer shall comply with
15 reasonable restrictions set by the department relating to
16 signage, marketing, display, and advertising of medical
17 cannabis.

18 10. *a.* A medical cannabis manufacturer shall provide a
19 reliable and ongoing supply of medical cannabis to medical
20 cannabis dispensaries pursuant to this chapter.

21 *b.* All manufacturing, cultivating, harvesting, packaging,
22 and processing of medical cannabis shall take place in an
23 enclosed, locked facility at a physical address provided to the
24 department during the licensure process.

25 *c.* A medical cannabis manufacturer shall not manufacture
26 edible medical cannabis products utilizing food coloring.

27 *d.* A medical cannabis manufacturer shall manufacture a
28 reliable and ongoing supply of medical cannabis to treat every
29 debilitating medical condition listed in this chapter.

30 11. The department shall establish and collect an annual
31 fee from a medical cannabis manufacturer not to exceed the cost
32 of regulating and inspecting the manufacturer in the calendar
33 year.

34 Sec. 57. NEW SECTION. 124E.8 Medical cannabis dispensary
35 licensure.

1 1. *a.* The department shall license by April 2, 2018, twelve
2 medical cannabis dispensaries to dispense medical cannabis
3 within this state consistent with the provisions of this
4 chapter. The department shall license new medical cannabis
5 dispensaries or relicense the existing medical cannabis
6 dispensaries by December 1 of each year.

7 *b.* Information submitted during the application process
8 shall be confidential until the medical cannabis dispensary
9 is licensed by the department unless otherwise protected from
10 disclosure under state or federal law.

11 2. As a condition for licensure, a medical cannabis
12 dispensary must agree to begin supplying medical cannabis to
13 patients by July 16, 2018.

14 3. The department shall consider the following factors in
15 determining whether to license a medical cannabis dispensary:

16 *a.* The technical expertise of the medical cannabis
17 dispensary regarding medical cannabis.

18 *b.* The qualifications of the medical cannabis dispensary's
19 owners and management team.

20 *c.* The long-term financial stability of the medical cannabis
21 dispensary.

22 *d.* The ability to provide appropriate security measures on
23 the premises of the medical cannabis dispensary.

24 *e.* The medical cannabis dispensary's projection and ongoing
25 assessment of fees for the purchase of medical cannabis on
26 patients with debilitating medical conditions.

27 4. Each entity submitting an application for licensure
28 as a medical cannabis dispensary shall pay a nonrefundable
29 application fee of fifteen thousand dollars to the department.

30 Sec. 58. NEW SECTION. **124E.9 Medical cannabis dispensaries.**

31 1. *a.* Medical cannabis dispensaries shall be located based
32 on geographical need throughout the state to improve patient
33 access.

34 *b.* A medical cannabis dispensary may dispense medical
35 cannabis pursuant to the provisions of this chapter but shall

1 not dispense any medical cannabis in a form or quantity other
2 than the form or quantity allowed by the department pursuant
3 to rule.

4 2. The operating documents of a medical cannabis dispensary
5 shall include all of the following:

6 a. Procedures for the oversight of the medical cannabis
7 dispensary and procedures to ensure accurate recordkeeping.

8 b. Procedures for the implementation of appropriate security
9 measures to deter and prevent the theft of medical cannabis and
10 unauthorized entrance into areas containing medical cannabis.

11 3. A medical cannabis dispensary shall implement security
12 requirements, including requirements for protection by a fully
13 operational security alarm system, facility access controls,
14 perimeter intrusion detection systems, and a personnel
15 identification system.

16 4. A medical cannabis dispensary shall not share office
17 space with, refer patients to, or have any financial
18 relationship with a health care practitioner.

19 5. A medical cannabis dispensary shall not permit any person
20 to consume medical cannabis on the property of the medical
21 cannabis dispensary.

22 6. A medical cannabis dispensary is subject to reasonable
23 inspection by the department.

24 7. A medical cannabis dispensary shall not employ a
25 person who is under eighteen years of age or who has been
26 convicted of a disqualifying felony offense. An employee
27 of a medical cannabis dispensary shall be subject to a
28 background investigation conducted by the division of criminal
29 investigation of the department of public safety and a national
30 criminal history background check.

31 8. A medical cannabis dispensary shall not operate in any
32 location within one thousand feet of a public or private school
33 existing before the date of the medical cannabis dispensary's
34 licensure by the department.

35 9. A medical cannabis dispensary shall comply with

1 reasonable restrictions set by the department relating to
2 signage, marketing, display, and advertising of medical
3 cannabis.

4 10. Prior to dispensing of any medical cannabis, a medical
5 cannabis dispensary shall do all of the following:

6 a. Verify that the medical cannabis dispensary has received
7 a valid medical cannabis registration card from a patient or a
8 patient's primary caregiver, if applicable.

9 b. Assign a tracking number to any medical cannabis
10 dispensed from the medical cannabis dispensary.

11 c. (1) Properly package medical cannabis in compliance with
12 federal law regarding child resistant packaging and exemptions
13 for packaging for elderly patients, and label medical cannabis
14 with a list of all active ingredients and individually
15 identifying information, including all of the following:

16 (a) The name and date of birth of the patient and the
17 patient's primary caregiver, if appropriate.

18 (b) The medical cannabis registration card numbers of the
19 patient and the patient's primary caregiver, if applicable.

20 (c) The chemical composition of the medical cannabis.

21 (2) Proper packaging of medical cannabis shall include but
22 not be limited to all of the following:

23 (a) Warning labels regarding the use of medical cannabis by
24 a woman during pregnancy and while breastfeeding.

25 (b) Clearly labeled packaging indicating that an edible
26 medical cannabis product contains medical cannabis and which
27 packaging shall not imitate candy products or in any way make
28 the product marketable to children.

29 Sec. 59. NEW SECTION. 124E.10 Fees.

30 Medical cannabis registration card fees and medical cannabis
31 manufacturer and medical cannabis dispensary application
32 and annual fees collected by the department pursuant to
33 this chapter shall be retained by the department, shall be
34 considered repayment receipts as defined in section 8.2, and
35 shall be used for the purpose of regulating medical cannabis

1 manufacturers and medical cannabis dispensaries and for other
2 expenses necessary for the administration of this chapter.

3 Sec. 60. NEW SECTION. 124E.11 **Department duties — rules.**

4 1. *a.* The department shall maintain a confidential file of
5 the names of each patient to or for whom the department issues
6 a medical cannabis registration card, the name of each primary
7 caregiver to whom the department issues a medical cannabis
8 registration card under section 124E.4, and the names of each
9 health care practitioner who provides a written certification
10 for medical cannabis pursuant to this chapter.

11 *b.* Individual names contained in the file shall be
12 confidential and shall not be subject to disclosure, except as
13 provided in subparagraph (1).

14 (1) Information in the confidential file maintained
15 pursuant to paragraph “a” may be released on an individual basis
16 to the following persons under the following circumstances:

17 (a) To authorized employees or agents of the department and
18 the department of transportation as necessary to perform the
19 duties of the department and the department of transportation
20 pursuant to this chapter.

21 (b) To authorized employees of state or local law
22 enforcement agencies, but only for the purpose of verifying
23 that a person is lawfully in possession of a medical cannabis
24 registration card issued pursuant to this chapter.

25 (c) To authorized employees of a medical cannabis
26 dispensary, but only for the purpose of verifying that a person
27 is lawfully in possession of a medical cannabis registration
28 card issued pursuant to this chapter.

29 (d) To any other authorized persons recognized by the
30 department by rule, but only for the purpose of verifying
31 that a person is lawfully in possession of a medical cannabis
32 registration card issued pursuant to this chapter.

33 (2) Release of information pursuant to subparagraph
34 (1) shall be consistent with the federal Health Insurance
35 Portability and Accountability Act of 1996, Pub. L. No.

1 104-191.

2 2. The department shall adopt rules pursuant to chapter
3 17A to administer this chapter which shall include but not be
4 limited to rules to do all of the following:

5 a. Govern the manner in which the department shall consider
6 applications for new and renewal medical cannabis registration
7 cards.

8 b. Identify criteria and set forth procedures for
9 including additional chronic or debilitating diseases or
10 medical conditions or their medical treatments on the list of
11 debilitating medical conditions that qualify for the use of
12 medical cannabis. Procedures shall include a petition process
13 and shall allow for public comment and public hearings before
14 the medical advisory board.

15 c. Set forth additional chronic or debilitating diseases
16 or medical conditions or associated medical treatments for
17 inclusion on the list of debilitating medical conditions that
18 qualify for the use of medical cannabis as recommended by the
19 medical advisory board.

20 d. Establish, in consultation with medical cannabis
21 manufacturers and medical cannabis dispensaries, the form and
22 quantity of medical cannabis allowed to be dispensed to a
23 patient or primary caregiver pursuant to this chapter. The
24 form and quantity of medical cannabis shall be appropriate to
25 serve the medical needs of patients with debilitating medical
26 conditions.

27 e. Establish, in conjunction with the medical advisory
28 board, requirements for the licensure of medical cannabis
29 manufacturers and medical cannabis dispensaries and set forth
30 procedures for medical cannabis manufacturers and medical
31 cannabis dispensaries to obtain licenses.

32 f. Develop a dispensing system for medical cannabis within
33 this state that provides for all of the following:

34 (1) Medical cannabis dispensaries within this state housed
35 on secured grounds and operated by licensed medical cannabis

1 dispensaries.

2 (2) The dispensing of medical cannabis to patients and
3 their primary caregivers to occur at locations designated by
4 the department.

5 *g.* Establish and collect annual fees from medical cannabis
6 manufacturers and medical cannabis dispensaries to cover
7 the costs associated with regulating and inspecting medical
8 cannabis manufacturers and medical cannabis dispensaries.

9 *h.* Specify and implement procedures that address public
10 safety including security procedures and product quality
11 including measures to ensure contaminant-free cultivation of
12 medical cannabis, safety, and labeling.

13 *i.* Establish and implement a medical cannabis inventory
14 and delivery tracking system to track medical cannabis
15 from production by a medical cannabis manufacturer through
16 dispensing at a medical cannabis dispensary.

17 Sec. 61. NEW SECTION. 124E.12 **Reciprocity.**

18 A valid medical cannabis registration card, or its
19 equivalent, issued under the laws of another state that allows
20 an out-of-state patient to possess or use medical cannabis in
21 the jurisdiction of issuance shall have the same force and
22 effect as a valid medical cannabis registration card issued
23 pursuant to this chapter, except that an out-of-state patient
24 in this state shall not obtain medical cannabis from a medical
25 cannabis dispensary in this state and an out-of-state patient
26 shall not smoke medical cannabis.

27 Sec. 62. NEW SECTION. 124E.13 **Use of medical cannabis —**
28 **affirmative defenses.**

29 1. A health care practitioner, including any authorized
30 agent or employee thereof, shall not be subject to
31 prosecution for the unlawful certification, possession, or
32 administration of marijuana under the laws of this state for
33 activities arising directly out of or directly related to the
34 certification or use of medical cannabis in the treatment of
35 a patient diagnosed with a debilitating medical condition as

1 authorized by this chapter.

2 2. A medical cannabis manufacturer, including any
3 authorized agent or employee thereof, shall not be subject
4 to prosecution for manufacturing, possessing, cultivating,
5 harvesting, packaging, processing, transporting, or supplying
6 medical cannabis pursuant to this chapter.

7 3. A medical cannabis dispensary, including any authorized
8 agent or employee thereof, shall not be subject to prosecution
9 for transporting, supplying, or dispensing medical cannabis
10 pursuant to this chapter.

11 a. In a prosecution for the unlawful possession of marijuana
12 under the laws of this state, including but not limited to
13 chapters 124 and 453B, it is an affirmative and complete
14 defense to the prosecution that the patient has been diagnosed
15 with a debilitating medical condition, used or possessed
16 medical cannabis pursuant to a certification by a health care
17 practitioner as authorized under this chapter, and, for a
18 patient eighteen years of age or older, is in possession of a
19 valid medical cannabis registration card.

20 b. In a prosecution for the unlawful possession of marijuana
21 under the laws of this state, including but not limited to
22 chapters 124 and 453B, it is an affirmative and complete
23 defense to the prosecution that the person possessed medical
24 cannabis because the person is a primary caregiver of a patient
25 who has been diagnosed with a debilitating medical condition
26 and is in possession of a valid medical cannabis registration
27 card, and where the primary caregiver's possession of the
28 medical cannabis is on behalf of the patient and for the
29 patient's use only as authorized under this chapter.

30 c. If a patient or primary caregiver is charged with the
31 commission of a crime and is not in possession of the person's
32 medical cannabis registration card, any charge or charges filed
33 against the person shall be dismissed by the court if the
34 person produces to the court prior to or at the person's trial
35 a medical cannabis registration card issued to that person and

1 valid at the time the person was charged.

2 4. An agency of this state or a political subdivision
3 thereof, including any law enforcement agency, shall not remove
4 or initiate proceedings to remove a patient under the age
5 of eighteen from the home of a parent based solely upon the
6 parent's or patient's possession or use of medical cannabis as
7 authorized under this chapter.

8 Sec. 63. NEW SECTION. 124E.14 Penalties.

9 1. A person who knowingly or intentionally possesses or
10 uses medical cannabis in violation of the requirements of this
11 chapter is subject to the penalties provided under chapters 124
12 and 453B.

13 2. A medical cannabis manufacturer or a medical cannabis
14 dispensary shall be assessed a civil penalty of up to one
15 thousand dollars per violation for any violation of this
16 chapter in addition to any other applicable penalties.

17 Sec. 64. NEW SECTION. 124E.15 Use of medical cannabis —
18 smoking prohibited.

19 A patient shall not consume medical cannabis possessed
20 or used as authorized under this chapter by smoking medical
21 cannabis.

22 Sec. 65. NEW SECTION. 124E.16 Employment.

23 1. An employer in this state may retain, create, reinstate,
24 or enforce a written zero tolerance policy prohibiting the
25 possession or use of medical cannabis or any derivative
26 thereof including cannabidiol by an employee in the employer's
27 workplace, including but not limited to a policy prohibiting
28 an employee from having any detectable amount of medical
29 cannabis or any derivative thereof including cannabidiol in the
30 employee's body while at work.

31 2. An employer's prohibition of the possession or use
32 of medical cannabis or any derivative thereof including
33 cannabidiol under this section shall not be considered to be
34 an unfair or discriminatory employment practice under section
35 216.6.

1 97B.52, subsection 2, or section 411.6, subsection 15.

2 2. a. If a governing body, a county board of supervisors,
3 or a city council has procured accident or health care coverage
4 for its employees under this chapter, such coverage may permit
5 continuation of existing coverage or reenrollment in previously
6 existing coverage for the surviving spouse and each surviving
7 child of an eligible peace officer or fire fighter subject to
8 the requirements of this section.

9 b. A governing body, a county board of supervisors, or a
10 city council may also provide continuation of existing coverage
11 for the surviving spouse and each surviving child of a peace
12 officer as defined in section 801.4, or a fire fighter who
13 dies and to which a line of duty death benefit is reasonably
14 expected to be payable pursuant to section 97A.6, subsection
15 16, section 97B.52, subsection 2, or section 411.6, subsection
16 15, until such time as the determination of whether to provide
17 a line of duty death benefit is made.

18 3. A surviving child of an eligible peace officer or fire
19 fighter may be provided coverage as required by this section,
20 with the full cost of the coverage paid by the applicable
21 governing body, county board of supervisors, or city council,
22 until the policy anniversary date on or after the date the
23 child attains the age of twenty-six. However, a surviving
24 child shall not be provided coverage as required by this
25 section for the period of time beginning on the date the child
26 becomes enrolled for coverage under Medicaid, and ending on
27 the date the child is no longer enrolled for coverage under
28 Medicaid.

29 4. a. Except as provided in paragraph "b", a surviving
30 spouse of an eligible peace officer or fire fighter may be
31 provided coverage as required by this section, with the full
32 cost of the coverage paid by the applicable governing body,
33 county board of supervisors, or city council, until the date on
34 which the surviving spouse becomes eligible for coverage under
35 Medicare.

1 *b.* A surviving spouse shall not be provided coverage with
2 the full cost of the coverage paid by the applicable governing
3 body, county board of supervisors, or city council, as provided
4 by this subsection, if any of the following apply:

5 (1) The surviving spouse is eligible, and remains eligible,
6 for comparable group medical coverage, whether insured or
7 self-insured.

8 (2) The surviving spouse becomes enrolled, and remains
9 enrolled, for coverage under Medicaid.

10 (3) The surviving spouse remarries, and remains married.

11 5. Notwithstanding any other provision of law, a surviving
12 spouse who is no longer eligible for coverage under this
13 section with the full cost of the coverage paid by the
14 applicable governing body, county board of supervisors, or city
15 council, pursuant to subsection 4, paragraph "b", may elect
16 to continue accident or health care coverage by requesting
17 continuation in writing to the applicable governing body,
18 county board of supervisors, or city council within thirty-one
19 days after the date the surviving spouse is no longer eligible
20 for coverage as provided in subsection 4, paragraph "b". A
21 surviving spouse electing to continue coverage under this
22 subsection shall pay the premium for the accident or health
23 care coverage in the same manner as, and at the same premium
24 paid by, employees covered by the accident or health care
25 coverage.

26 6. A governing body, a county board of supervisors, or a
27 city council shall notify the provider of accident or health
28 care coverage for its employees of a surviving spouse and
29 each surviving child to be provided coverage pursuant to the
30 requirements of this section.

31 7. This section shall not require continuation of coverage
32 if the surviving spouse or surviving child who would otherwise
33 be entitled to continuation of coverage under this section was,
34 through the surviving spouse's or surviving child's actions, a
35 substantial contributing factor to the death of the eligible

1 peace officer or fire fighter.

2 Sec. 72. APPLICABILITY — HEALTH CARE COVERAGE FOR PRIOR
3 DEATHS. The surviving spouse and each surviving child of a
4 peace officer as defined in section 801.4, or a fire fighter
5 who died on or after January 1, 1985, but before July 1, 2000,
6 to which the requirements for providing a line of duty death
7 pursuant to section 97A.6, subsection 16, section 97B.52,
8 subsection 2, or section 411.6, subsection 15, would otherwise
9 have been established, and the surviving spouse and each
10 surviving child of an eligible peace officer or fire fighter
11 as defined in section 509A.13C, as enacted in this Act, may
12 be entitled to coverage as provided in section 509A.13C upon
13 written notification of the applicable governing body, county
14 board of supervisors, or city council. Coverage provided under
15 section 509A.13C pursuant to this section shall be for claims
16 for services incurred on or after the date of reenrollment.

17 Sec. 73. EFFECTIVE DATE. This division of this Act, being
18 deemed of immediate importance, takes effect upon enactment.

19 Sec. 74. RETROACTIVE APPLICABILITY. This division of this
20 Act applies retroactively to a death occurring on or after
21 January 1, 1985.

22 DIVISION IX

23 SCHOLARSHIPS FOR SURVIVING CHILDREN OF CERTAIN PERSONS KILLED 24 IN THE LINE OF DUTY

25 Sec. 75. Section 261.87, subsection 1, Code 2018, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. *od.* "*Eligible surviving-child student*" means
28 a qualified student who is under the age of twenty-six, or
29 under the age of thirty if the student is a veteran who is
30 eligible for benefits, or has exhausted the benefits, under the
31 federal Post-9/11 Veterans Educational Assistance Act of 2008;
32 who is not a convicted felon as defined in section 910.15; and
33 who meets any of the following criteria:

34 (1) Is the child of a peace officer, as defined in section
35 97A.1, who was killed in the line of duty as determined by

1 the board of trustees of the Iowa department of public safety
2 peace officers' retirement, accident, and disability system in
3 accordance with section 97A.6, subsection 16.

4 (2) Is the child of a police officer or a fire fighter, as
5 each is defined in section 411.1, who was killed in the line of
6 duty as determined by the statewide fire and police retirement
7 system in accordance with section 411.6, subsection 15.

8 (3) Is the child of a sheriff or deputy sheriff as each is
9 defined in section 97B.49C, who was killed in the line of duty
10 as determined by the Iowa public employees' retirement system
11 in accordance with section 97B.52, subsection 2.

12 (4) Is the child of a fire fighter or police officer
13 included under section 97B.49B, who was killed in the line of
14 duty as determined by the Iowa public employees' retirement
15 system in accordance with section 97B.52, subsection 2.

16 Sec. 76. Section 261.87, subsection 3, Code 2018, is amended
17 to read as follows:

18 3. *Priority for scholarship awards.* Priority for
19 scholarships under [this section](#) shall be given to eligible
20 foster care students, then to eligible surviving-child
21 students, who meet the eligibility criteria under subsection
22 2. Following distribution to students who meet the eligibility
23 criteria under [subsection 2](#), the commission may establish
24 priority for awarding scholarships using any moneys that remain
25 in the all Iowa opportunity scholarship fund.

26 DIVISION X

27 PUBLIC RETIREMENT SYSTEMS GOALS

28 Sec. 77. Section 97D.1, Code 2018, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 01. It is the intent of the general
31 assembly to maintain strong and stable public retirement
32 systems that allow employees to retire with dignity.

33 DIVISION XI

34 NONPARTISAN REDISTRICTING

35 Sec. 78. NONPARTISAN REDISTRICTING. It is the intent of the

1 general assembly that Iowa maintain its commitment to fair and
2 nonpartisan redistricting.

3 DIVISION XII

4 TARIFFS — LEGISLATIVE INTENT

5 Sec. 79. TARIFF OPPOSITION. The general assembly finds and
6 declares that the implementation of tariffs designed to address
7 certain foreign trade practices, including steel and aluminum
8 imports, is counterproductive and will cause substantial and
9 immediate negative consequences to the economies of this state,
10 other farm states, and this nation, which depend upon the
11 export of agricultural commodities including soybeans to world
12 markets.

13 DIVISION XIII

14 WATERSHED IMPROVEMENT FUND — SKILLED WORKFORCE SHORTAGE
15 TUITION GRANTS

16 Sec. 80. WATERSHED IMPROVEMENT FUND — SKILLED WORKFORCE
17 SHORTAGE TUITION GRANTS. Notwithstanding 2017 Iowa Acts,
18 chapter 168, section 22, as amended by 2017 Iowa Acts, chapter
19 170, section 42, of the moneys credited to the watershed
20 improvement fund that are unencumbered or unobligated and
21 managed by and otherwise appropriated to the department of
22 agriculture and land stewardship pursuant to those sections,
23 the department shall expend the following amount, or so much
24 thereof as is necessary, for the fiscal year beginning July 1,
25 2018, and ending June 30, 2019, for the purpose designated:

26 For purposes of providing skilled workforce shortage tuition
27 grants in accordance with section 261.130:

28 \$ 1,400,000

29 DIVISION XIV

30 POSTSECONDARY SUMMER CLASSES FOR HIGH SCHOOL STUDENTS

31 Sec. 81. POSTSECONDARY SUMMER CLASSES FOR HIGH SCHOOL
32 STUDENTS PROGRAM — EFFECTIVE DATE. Notwithstanding 2018 Iowa
33 Acts, House File 2458, section 15, the following takes effect
34 July 1, 2018:

35 Section 261E.8, subsection 7A, as enacted by 2018 Iowa Acts,

1 House File 2458, section 14.

2 DIVISION XV

3 SOLAR ENERGY SYSTEM TAX CREDIT

4 Sec. 82. REPEAL. The section in 2018 Iowa Acts, Senate File
5 2417, striking section 422.33, subsection 29, if enacted, is
6 repealed.

7 Sec. 83. REPEAL. The section in 2018 Iowa Acts, Senate File
8 2417, striking section 422.60, subsection 12, if enacted, is
9 repealed.

10 Sec. 84. REPEAL. The section in 2018 Iowa Acts, Senate
11 File 2417, striking section 476C.2, subsection 3, if enacted,
12 is repealed.

13 Sec. 85. REPEAL. The section in 2018 Iowa Acts, Senate File
14 2417, striking section 533.329, subsection 2, paragraph 1, if
15 enacted, is repealed.

16 Sec. 86. REPEAL. The section in 2018 Iowa Acts, Senate File
17 2417, repealing section 422.11L, if enacted, is repealed.

18 Sec. 87. REPEAL. The section in 2018 Iowa Acts, House File
19 2489, striking section 422.33, subsection 29, if enacted, is
20 repealed.

21 Sec. 88. REPEAL. The section in 2018 Iowa Acts, House File
22 2489, striking section 422.60, subsection 12, if enacted, is
23 repealed.

24 Sec. 89. REPEAL. The section in 2018 Iowa Acts, House File
25 2489, striking section 476C.2, subsection 3, if enacted, is
26 repealed.

27 Sec. 90. REPEAL. The section in 2018 Iowa Acts, House File
28 2489, striking section 533.329, subsection 2, paragraph 1, if
29 enacted, is repealed.

30 Sec. 91. REPEAL. The section in 2018 Iowa Acts, House File
31 2489, repealing section 422.11L, if enacted, is repealed.

32 Sec. 92. EFFECTIVE DATE. This division of this Act, being
33 deemed of immediate importance, takes effect upon enactment.

34 DIVISION XVI

35 GEOTHERMAL TAX CREDITS

1 Sec. 93. REPEAL. The section in 2018 Iowa Acts, Senate
2 File 2417, repealing sections 422.10A and 422.11I, if enacted,
3 are repealed.

4 Sec. 94. REPEAL. The section in 2018 Iowa Acts, House File
5 2489, repealing sections 422.10A and 422.11I, if enacted, are
6 repealed.

7 Sec. 95. EFFECTIVE DATE. This division of this Act, being
8 deemed of immediate importance, takes effect upon enactment.

9 DIVISION XVII

10 CHILD AND DEPENDENT CARE TAX CREDIT

11 Sec. 96. Section 422.12C, subsection 1, paragraphs a, b, c,
12 d, e, and f, Code 2018, are amended to read as follows:

13 a. For a taxpayer with net income of less than ten
14 thousand dollars, ~~seventy-five~~ seventy-eight and three-fourths
15 hundredths percent.

16 b. For a taxpayer with net income of ten thousand dollars
17 or more but less than twenty thousand dollars, ~~sixty-five~~
18 sixty-eight and one-fourth percent.

19 c. For a taxpayer with net income of twenty thousand dollars
20 or more but less than twenty-five thousand dollars, ~~fifty-five~~
21 fifty-seven and three-fourths percent.

22 d. For a taxpayer with net income of twenty-five thousand
23 dollars or more but less than thirty-five thousand dollars,
24 ~~fifty~~ fifty-two and one-half percent.

25 e. For a taxpayer with net income of thirty-five thousand
26 dollars or more but less than forty thousand dollars, ~~forty~~
27 forty-two percent.

28 f. For a taxpayer with net income of forty thousand dollars
29 or more but less than forty-five thousand dollars, ~~thirty~~
30 thirty-one and one-half percent.

31 Sec. 97. EFFECTIVE DATE. This division of this Act, being
32 deemed of immediate importance, takes effect upon enactment.

33 Sec. 98. RETROACTIVE APPLICABILITY. This division of this
34 Act applies retroactively to January 1, 2018, for tax years
35 beginning on or after that date.

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DIVISION XVIII

INCOME TAX CALCULATION FOR CERTAIN HIGH-INCOME TAXPAYERS

Sec. 99. Section 257.8, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *Complementary state aid — calculation — fund.*

a. The complementary state aid fund is created in the state treasury. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the taxpayers trust fund shall be credited to the fund.

b. For each fiscal year beginning on or after July 1, 2018, there is credited to the complementary state aid fund from the general fund of the state an amount as calculated by the department of revenue equal to the difference between the actual net income tax revenues received from taxpayers subject to section 422.4A during the fiscal year and the estimated net income tax revenues the state would have received from those taxpayers during the fiscal year had such taxpayers calculated individual income tax liability under chapter 422, division II, without regard to section 422.4A.

c. Moneys in the complementary state aid fund shall only be used by the general assembly for purposes of funding increases in the state percent of growth under subsection 1 and the categorical state percent of growth under subsection 2.

Sec. 100. NEW SECTION. **422.4A Tax calculation for certain high-income taxpayers.**

Notwithstanding any other provision of law to the contrary, a taxpayer with an adjusted gross income of one million dollars or more, as calculated for federal income tax purposes under

1 the Internal Revenue Code, shall calculate the tax imposed
2 under this division II pursuant to chapter 422, division II,
3 Code 2018.

4 Sec. 101. APPLICABILITY. This division of this Act applies
5 to tax years beginning on or after January 1, 2019.>>

6 2. By renumbering as necessary.

HALL of Woodbury